FOR MYSORE STATE

Development (1952) Department.

Ms. SERIES.

G.O. NO.	3832
Dated	5/9/52

Passed
Sd/-
Supdt.

[Despatch Abstract.]

Acts and Rules M.S & E Rules, 1948 — Sri Basalingana Gowda and Hehappa nigappa, Kamptli. Payment of advan to employee Sri A Chennabasaiah Exemption from rule 43(2) of the rules Granted

90014/52
2/8/52

F.3.No.48866/52 Office of the
Chief Inspector of Factories, Chepauk, Madras.
Dated, 1.8.1952.

SECOND SECRETARY TO GOVERNMENT
7 AUG 1952
DEVELOPMENT DEPARTMENT

From :: Sri C.G. Reddi, I.A.S., ::
Chief Inspector of Factories,
Madras.

To

The Secretary to Government,
Development department,
Fort St. George,
M a d r a s.

Sir,

Sub: Madras Shops and Establishments Act, 1947 - Employer, Itigi Basalingana Gowdu and Achappa Lingappa, Kampli - payment of advance to the employee in excess of two months wages and recovery in more than 12 months instalments - Exemption from Rule 13(2).

...

I enclose herewith a copy of letter No.C. 1340/52, dated 18.7.1952 received from the Regional Inspector of Factories, Bellary.

2. In view of the facts stated therein, I request that the Government may be pleased to exempt the above employer from the provisions of Rule 13(2) of the Madras Shops and Establishments Rules to enable him to recover the advance of Rs.518-12-6 at the rate of Rs.5/- per month.

5/8

For Chief Inspector of Factories,
M a d r a s.

5/8

...

II

Copy of letter No.C.1340/52, dated 18.7.52 from Regional Inspector of Factories. Bellary to the Chief Inspector of Factories, Madras.

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Sub: Acts - The Madras shops and Establishments Act, 1947 - Employer, Itigi Basalingana Gowdu and Achappa Lingappa, Kampli - payment of advance to the employee in excess of two months wages and recovery in more than 12 months instalments - Exemption from Rule 13(2).

Ref: Letter dated 15.7.52 from the employer enclosed.

The Assistant Inspector of Labour, Hospet reported to this office that the employer, Itigi Basalinganna Gowdu had paid an advance of Rs.518/12/6 to one, A. Chennabasaiah, a person employed in his establishment. In his letter cited, the employer has applied for my post approval under Rule 13(1) for payment of an advance in excess of 2 months' wages.

2. The monthly wage of the employee is stated to be Rs.20/- and the employer proposes to recover the advance in instalments of Rs.20/-. As provided in Rule 13(3) the employer cannot recover the advance in instalments of more than Rs.5/- p.m. If the advance is recovered in instalments of Rs.5/- p.m. the instalments will spread over a period of more than 12 months. As the advance was given on 17.6.1952, the employer will be able to recover the same in full by 1st November 1960. I am of opinion that such recovery of more than Rs.5/- arbitrarily from the monthly wage of the said employee constitutes violation of the provisions of Rule 13(3) as the monthly wage of the employee is Rs.20/- only.

3. I therefore request you to address the Government to exempt the above employer from Rule 13(2) of Madras Shops and Establishments Rules so as to enable him to recover the advance of Rs.518-12-6 given to Sri A. Chennabasaiah, a person employed in his establishment by 1-11-1960.

4. I am addressing the employer separately not to recover the advance in instalments of more than Rs.5/- p.m. I request my action may be approved.

(True copy)

5/8

For Chief Inspector of Factories,
Madras.

V.M.4/8

5/4/8

Dev(P II) Dept. 5/

Sub: Acts and Rules - Madras Shops and Establishments Rules, 1948 - M/s Ithgi Basalingana Gowda and Achappa Lingappa, Kampli - Payment of advance to employee Sri A. Chennabasaiah - Exemption from rule 13(2) of the rules - Granted.

Read: From the C.I.F. letter no. F3. 48666/52 dated 4/8/52

G.O. Ms. no 3832 dated 5.9.52

The following notification will be published in the Fort St. George Gazette

Notification.

In exercise of the powers conferred by rule 19 of the Madras Shops and Establishments Rules, 1948, the Governor of Madras hereby exempts M/s Ithgi Basalingann Gowda and Achappa Lingappa, employers, Kampli, Bellary district from the provisions of rule 13(2) of the said rules, in order to enable them to recover the advance of Rs 518-12-6 (Rupees five hundred and eighteen, annas twelve and pies six only) made to their employee Sri A Chennabasavah at the rate of rupees five per mensem.

To
The S.G.P. (for publication of the notification)

The C.I.F.

Dev (P II) Dept.

Sub: Acts and Rules. M.S.&E Rules, 1948 - Shri Basalingana Gowda and Achappa Lingappa Kamble, Employers - Advance payment to employ Recovery - Exemption from rule 13(2).

[C. no. 9001 4/52 Pt I

Ref: From the C.I.F. letter no. F3.48666/52 dated 1-8-52.

Rule 13(2) of the Madras Shops and Establishments Rules, 1948 lays down that any advance made to an employed person may be recovered in instalments by deductions from wages spread over not more than 12 months and Rule 13(3) prescribes that no instalment by which an advance is repaid shall exceed one-third or where the wages for any wage-period are not more than 20 Rupees, one fourth, of the wages for any wage-period in respect of which the deduction is made.

X on f 1 Cf

One Sri Shri Balinganna Gowda has paid an advance of Rs 518-12-6 to one of the employees of his establishment (Sri A. Chennabasaiah) whose monthly salary is Rs 20/- and has applied for the post approval of the Regional Inspector of Factories for payment of an advance in excess of 2 months wages as required under rule 13(1) of the M.S&E Rules. The Regional Inspector has reported that the employer proposes to do recover the advance in instalments of Rs 20/- and that this is in contravention of rule 13(3) according to which an instalment in this case cannot exceed Rs 5/- p.m. (1/4th of monthly salary). If the advance is recovered in instalments of Rs 5/- p.m in compliance with rule 13(3), the entire amount of advance

p 3 Cf.

can be recovered only by 1-11-60 and thus the period of recovery will spread over more than 12 months and thus the provisions of rule 13(2) will be contravened. As the monthly wages of the employee is only Rs. 20/-, the Regional Inspector considers that recovery of more than Rs 5/- p.m. from the monthly wages is not justifiable. He has therefore proposed that the employer may be exempted from the provisions of rule 13(2) so as to enable him to recover the advance by 1-11-60 at the rate of Rs 5/- p.m. from the wages of the employee. The Chief Inspector of Factories has recommended the proposal.

For orders whether the Chief Inspector's recommendation will be accepted and the employee exempted from rule 13(2).

Subject to orders a draft order is submitted for approval.

Legal may see for scrutiny.

B3/12.8.52

12/8/52

18/8/52 S. 14/8 Legal (scrutiny)

Legal

Devn. 90014-P II/52-1

14/8/52

Legal (scrutiny)

The draft notification is in order.

18/8/52

Dev Dept

P II Section

(Notes from p.1 above may be read)

The draft order below may now issue.

B3/30/8/52

30/8/52

Issued as G.O.P. no. 3832 Dev. Dept. dt. 5/9/52

ASSISTANT SECRETARY 13200 18.8.1952 LEGAL DEPARTMENT

98615

Legal U.O. No. 13200/52-1

27.8.52.

SECOND ASSISTANT SECRETARY TO GOVERNMENT 1952 LEGISLATIVE DEPARTMENT